

October 6, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30480
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILLIAM THOMAS FORLANDER, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CR-60045-1

Before JONES, BENAVIDES and CLEMENT, Circuit Judges.

PER CURIAM:*

William Thomas Forlander, Jr., appeals from his sentence for possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B). Forlander argues that the district court misunderstood the scope of its authority to depart downward on the ground of aberrant behavior pursuant to U.S.S.G. § 5K2.20.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

The record reveals that the district court knew that it had discretion to decide whether to depart downward on the basis of aberrant behavior. The transcript of the sentencing hearing evidences the district court's awareness of the language of § 5K2.20 and its commentary. This court does not have jurisdiction to review the district court's decision to decline to grant a downward departure. See United States v. Buck, 324 F.3d 786, 798 (5th Cir. 2003).

DISMISSED.